

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                        |   |                   |
|------------------------|---|-------------------|
| SHAVIS L. COLE,        | ) |                   |
|                        | ) |                   |
| Petitioner,            | ) |                   |
|                        | ) |                   |
| vs.                    | ) | No. CIV-08-1288-C |
|                        | ) |                   |
| JOHN WHETSEL, Sheriff, | ) |                   |
|                        | ) |                   |
| Respondent.            | ) |                   |

ORDER OF DISMISSAL

This matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on April 27, 2009. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and Petitioner's "Emergency Habeas Corpus Petition in Accord with U.S.C.A. Const. Art. 1, § 9, LL and Title 28 of the U.S. Code Section 2241," construed as a 28 U.S.C. § 2254 Petition for a Writ of Habeas Corpus, is dismissed without prejudice.

IT IS SO ORDERED this 27th day of May, 2009.



ROBIN J. CAUTHRON  
United States District Judge